

## **REMARKS**

### **35 U.S.C. 112 Claims Not Supported by the Specification**

#### ***Claims 28-35***

The Examiner rejected claims 28-35 as failing to comply with the written description requirement. Specifically the Examiner stated that the claim(s) contain subject matter that was not described in the specification.

Agent for Applicant respectfully submits that the independent claim 28 and its subsequent dependent claims are supported by the specification.

To illustrate this support, Agent for Applicant has restated independent claim 28 and has provided the specification proof (para. listing after each statement)

A digital pressure display comprising:

- (a) sensor means for intermittently sensing said pressure; fig 5; para 42, para 44, para 44, para 46.
- (b) microprocessor means to intermittently enable the operation of said sensor means to sense said pressure and generate a signal at predetermined sampling intervals; and fig 5; para 44; para 45; para 46
- (c) power means to power to said sensor means and said microprocessor means;

wherein the power means constantly power said sensor means and said microprocessor means. fig 5; fig 6; para 47; para 48; para 49.

Claim 29 introduces the concept of a “controller” as described in paragraph 44.

Claims 30-35 discuss the power supply as described by figs 5, 6; paras 47-50, paras 55-56.

#### ***Claims 8, 9***

In addition the Examiner rejected claims 8 and 9 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 8 is unclear if the intended use “for digitally displaying a level of vacuum administered to a patient” is positively directed to the patient.

Kindly note that the claims (8, 9) have been amended so as to overcome these objections.

**35 U.S. C. 102 (b) Anticipation**

The Examiner stated that claims 1, 3, 4, 7 of the present invention was anticipated in light of Rabizadeh 5,606,123 (hereinafter Rabizadeh).

***Claim 1***

Further to the teleconference with the inventor and the Examiner on November 20, 2008, Agent for Applicant respectfully submits that independent claim 1 has been amended to indicate that the microcontroller intermittently enables the operation of said sensor means which results in both power savings as well as intermittent sampling which is not disclosed by the prior art Rabizadeh.

***Claims 3, 4, and 7***

In view of the differences and non-anticipation of independent claim 1, Agent for Applicant respectfully submits that the claims depending from claim 1 are also not anticipated.

**35 U.S. C. 102 (a) Obviousness**

***Claims 5 and 6***

The Examiner stated that claims 5 and 6 of the present invention were unpatentable over Rabizadeh in view of Salmond (5,032,287).

The Examiner states that Rabizadeh discloses all of the features of the claimed invention except the digital pressure display further includes a light sensor for sensing a dark condition as disclosed by Salmond.

Agent for Applicant respectfully submits that in view of aforementioned teleconference, independent claim 1 is not anticipated nor deemed obvious by the prior art Rabizadeh. Further, Agent for Applicant respectfully submits that claim 5 which depends from independent claim 1 in addition to claim 6 are also not obvious with respect of Rabizadeh in view of Salmond.

***Claims 8, 9 and 18***

The Examiner stated that claims 8, 9 and 18 are rejected as being unpatentable over Saito et al (6,171,104) in view of Rabizadeh.

Specifically the Examiner stated that Saito discloses a manual valve 36 and pressure sensor 35 and controller 40 wherein Rabizadeh teaches a visual digital display 32.

Agent for Applicant respectfully submits that the prior art Saito fails to neither disclose nor intimate a microcontroller that enables the operation of a sampling means as disclosed by the present invention. In view of that key difference, Agent for Applicant respectfully submits that the present invention is not unpatentable over Saito et al in view of Rabizadeh.

**ADDITIONAL FEES:**

Agent for Applicant respectfully submits the one month extension fee required to submit a response under 37 CFR 1.17(a)(1) in the amount of \$65.00 (small entity), which fell due on Sunday, December 14, 2008; therefore Monday December 15, 2008.

**CONCLUSIONS**

Agent for Applicant respectfully submits that the application is now in condition for immediate allowance and respectfully solicits same.

Yours respectfully,



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